

EXHIBIT C



April 4, 2016

Kate Helm
Nelson Mullins
201 17th Street NW, Suite 1700
Atlanta, GA 30363

Re: Privilege Log Categories and Examples

Dear Ms. Helm:

Pursuant to Case Management Order No. 10 (Doc. 1319), Plaintiffs have provided herein a list of those categories addressed in Plaintiffs' Motion to Compel (Doc. 1214), which Plaintiffs believe are not privileged and have provided representative examples.

1. Entries where Defendants have failed to establish the communication evidences a request made to or from a lawyer for the purpose of obtaining or providing legal advice of the lawyer. This includes:
 - a. Entries where non-attorney employees are alleged to have given legal advice independent of a lawyer.
 - i. Examples: Log 2 No. 000809; Log 6 Nos. 000008, 000193.
 - b. Entries where both the author and recipient are non-lawyers and Defendants fail to identify the lawyer asked to give legal advice, the legal purpose for which that lawyer was consulted, or why disclosure to the non-lawyers was necessary to fulfill the purpose for which the lawyer was consulted.
 - i. Examples: Log 3 Nos. 002295 and 003028, and Log 4 No. 000029.
2. Entries that do not reflect any legal advice was given or requested. In other words, where Defendants have failed to establish that a lawyer was being asked to act as a lawyer – giving advice with respect to the legal implications of a proposed course of conduct.
 - a. Examples: Log 2 No. 000403; Log 3 No. 001697; Log 6 No. 000065
3. Entries where a business purpose would have provided a sufficient cause for the communication.
 - a. Examples: Log 1 No. 000115; Log 2 No. 000403; Log 3 No. 334
4. Entries where in-house counsel was being asked to edit or comment on non-traditional legal documents (technical, scientific, public relations, management, and marketing) versus traditional legal instruments (contracts for a study, retention of experts, patent applications).
 - a. Example: Log 2 No. 000293; Log 3 No. 001965; Log 6 No. 54;



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5. Entries where both the author and the recipient are non-lawyers and an attorney was merely copied on the communication.
 - a. Examples: Log 2 No. 000816, 000859; Log 3 No. 003987.
6. Entries describing a communication to non-lawyers and attorneys seeking simultaneous review and comment.
 - a. Examples: Log 3 No. 000809, Log 6 No. 251, Log 3, No. 000175
7. Entries that do not describe the author or recipient of the communication, including attachments.
 - a. Examples: Log 2 No. 403; Log 3 224; Log 6 No. 330,
8. Entries where a non-party is an author or listed as receiving a copy of the communication so as to have waived any attorney-client privilege or work product.
 - a. Examples: Log 2 Nos. 502 and 001220; Log 3 No. 000335;

Sincerely yours,

Troy A. Brenes

